IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8190 OF 2004

Mr.Ram Appasaheb Masugade
Age 45, Adult, Occ. Service,
R/at Village Dhawal,
Tal. Phaltan, Dist. Satara. ..Petitioner

V/s.

1. Jay Bhavani Education Society
   Girvi, Tal. Phaltan through
   its Chairman, Shri Suryajirao
   @ Chimanrao Kadam.

2. Head Master,
   Dhawal High School, Dhawal,
   Tal. Phaltan, Dist. Satara

3. Education officer (secondary)
   Zilla Parishad, Satara.

4. Deputy Director of Education
   Kolhapur Division, Kolhapur. ..Respondents

Mr.Vishwanath Talkute for the petitioner.

Mr.Vijay Patil for Respondent No.2

Mr.R.D.Rane, Assistant Government Pleader for
Respondent Nos.3 & 4.

Coram : R.M.LODHA &
R.S.MOHITE,JJ

Date : 5.5.2005.

Oral Judgment :- (R.M.Lodha,J)

. Heard.

2. Rule, returnable forthwith. Parties by Counsel.

3. Perused the report dated 29.4.2005 submitted by Deputy Director of Education Kolhapur region, Kolhapur.

4. In the light of the report submitted by Deputy Director of Education and the statement made by the learned Advocate for respondent no.1-society viz.Jay Bhavani Education Society that the payment of salary for the period from 1.7.2001 to 30.6.2004 shall be made by the said society to the petitioner, we dispose of the Writ petition by the following order

O R D E R

1. It is declared that the salary to the petitioner for the period 1.7.2001 to 30.6.2004 is due and payable by the respondent no.1-Jay Bhavani Education Society.

2. The due salary to the petitioner from 1.7.2001 to 30.6.2004 shall be paid by the respondent no.1-society in six equal instalments. The first instalment shall be paid by the respondent no.1-society to the petitioner on or before 10.6.2005. The subsequent instalments shall be paid on or before 10.7.2005, 10.8.2005, 10.9.2005, 10.10.2005 and 10.11.2005 respectively.

3. In case of default of any payment of the instalment afore-directed, the Deputy Director of Education is directed not to release the salary grant-in-aid to the 1st respondent-society until the due payment is made to the petitioner.

4. We record and accept the statement of the learned Advocate for respondent no.1 as well as learned Assistant Government Pleader that approval has been granted to the appointment of the petitioner as a teacher with effect from 1.7.2001 by Education officer Zilla Parishad, Satara.

5. We also record and accept the statement of the learned Advocate for respondent no.1 and the Assistant Government Pleader that with effect from 1.7.2004, 80% salary grant-in-aid to the respondent no.1-society shall include the salary grant-in-aid of the petitioner as well.

6. No costs.

(R.M.LODHA,J)

(R.S.MOHITE,J)